IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
Income Tax Appeal No.626 of 2003
WITH
Income Tax Appeal (Lodging) No.421 of 2003

The Commissioner of Income-tax. ... Appellant
v/s.
M/s.Sandoz Textiles & Trading Ltd. ... ... Respondent

Mr.Ashok Kotangale for appellant.

Mr.J.D. Mistry i/by Raj Darak for respondent.
(In both matters)

CORAM : H.L. GOKHALE &
J.P. DEVADHAR, JJ.

DATED : 21st November 2005

P.C. :

1. Heard Mr.Kotangale for the appellant in both the above matters. Mr.Mistry appears for the respondent.

2. The first question sought to be raised has already been decided in **Joint Commissioner of Income Tax vs. Vimal Fabrics Ltd. (ITA Nos.2064 to 2066 of 1999)** decided on 22nd April 2002. That being so, the revenue cannot be allowed to agitate the same issue once again since the decision in **Vimal Fabrics's case** (supra) has been accepted.

3. As far as the second issue which is sought to be raised is concerned, the same has

been decided in favour of the assessee in **CIT vs. J.K. Investors (Bom) Ltd. reported in 248 ITR 723**. This being the position, no interference is called for. Both the Appeals are dismissed.

(H.L. GOKHALE, J.)

(J.P. DEVADHAR, J.)